IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.2523 OF 2004
IN
APPEAL LODGING NO.435 OF 2004
IN
COMPANY PETITION NO.266 OF 2003

M/s. Peerless Construction
Private Limited .. Appellant

v/s.

1. Shri Krishna s/o.Shankar Gaikwad
& ors. .. Respondents

Ms. Rajni Iyer i/by M/s. Shailesh Thakkar & Co.
for appellant.

Mr.V.T.Lulia for respondents.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 22nd September, 2004

P.C.

Heard.

2. There is delay in filing the appeal by 14 days.

3. Having considered the affidavit in support of the notice of motion, the affidavit in reply and the additional affidavit of Mr.Shailesh Thakkar, advocate for the appellant, we are satisfied that the appellant was prevented by sufficient cause in filing the appeal in time and the inconvenience caused to the respondents may be compensated by reasonable award of cost.

4. Subject to the appellant-applicant paying cost of Rs.5000/- to the respondents within two weeks from today, the delay in filing the appeal shall stand condoned. Office to process the appeal

thereafter and post it for admission as soon as numbered.

5. Notice of motion stands disposed of.

(R.M.LODHA, J.)

(J.P.DEVADHAR, J.)